



Price Agreement Amendment

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Printed: 8/6/2003

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

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SELECT ENERGY INC
107 SELDEN ST
BERLIN CT 06037

TRANSPORTATION-NATURAL GAS

Amendment Date: 08/05/2003
Original Award Date: 10/02/2002
Buyer: ROCHE, LINDA P
Phone #: (401) 222 - 2142 ext. 118
FOB: F.O.B., Destination

Terms: Net 30

Change Order Number

2

Award Number

68M00255591

Effective Period:

11/01/2002 - 10/31/2005

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ADMINISTRATION
MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

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ADMINISTRATION
MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

Change Order Note: CHANGE ORDER #2

Department				Bid Number	C/O Req #
ADMINISTRATION				MPA-233	B01439
Item	Class-Item	Bid #	Requisition #	Unit	Unit Price
	CHANGE ORDER #2 CHANGE TO PO #68M00255591 DATED 10/2/02. THE EFFECTIVE PERIOD HAS BEEN EXTENDED TO 10/31/05. CHANGE BASIS TO \$1.90 PER MMBTU, MONTHLY COMMODITY COST NOT INCLUDED IN BASIS.				

This Notice of Award/Purchase Order is issued in accordance with the specific requirements described herein and the State's Purchasing Regulations and General Conditions of Purchase, copies of which are available at www.purchasing.state.ri.us.

Delivery of goods or services as described herein shall be deemed acceptance of these requirements.

STATE PURCHASING AGENT/DESIGNEE

ACCOUNTING

DATE RELEASED



Price Agreement Amendment

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Printed: 2/4/2003

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CAPITOL HILL
PROVIDENCE RI 02908

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SELECT ENERGY INC
107 SELDEN ST
BERLIN CT 06037

TRANSPORTATION-NATURAL GAS

Amendment Date: 01/31/2003
Original Award Date: 10/02/2002
Buyer: MOYNIHAN, JEROME D
Phone #: (401) 222 - 2142 ext. 119
FOB: F.O.B., Destination

Terms: Net 30

Change Order Number

1

Award Number

68M00255591

Effective Period:

11/01/2002 - 10/31/2003

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Change Order Note: CHANGE ORDER #1

Department				Bid Number	C/O Req #
ADMINISTRATION				MPA-233	B01439
Item	Class-Item	Bid #	Requisition #	Unit	Unit Price
	CHANGE ORDER #1 CHANGE TO PO #68M00255591 DATED 10/2/02. ADD THE FOLLOWING: COST FOR WINTER GAS \$4.291 PER DEKATHERM. BILLING WILL BE IN CITYGATE DEKATHERMS. \$1.95 (BASIS) + \$4.291 (COMMODITY) = \$6.241 TOTAL COST				

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STATE PURCHASING AGENT/DESIGNEE

ACCOUNTING

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Notice of Price Agreement Award

Page 1 of 3
Printed: 10/31/2002

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

V E N D O R	SELECT ENERGY INC 107 SELDEN ST BERLIN CT 06037	TRANSPORTATION-NATURAL GAS	
		Award Number 68M00255591	Effective Period: 11/1/02 - 10/31/03

S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 10/02/2002 Buyer: JEROME MOYNIHAN Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-233	B01439
Item		Unit	Unit Price
	<p>11/1/02 - 10/31/03 WITH OPTION TO RENEW FOR (3) THREE TWELVE MONTH TERMS</p> <p>MASTER PRICE AGREEMENT #233</p> <p>THIS IS A NOTICE OF AWARD, NOT AN ORDER. Any quantity reference in the agreement or in the bid preceding it are estimates only and do not represent a commitment on the part of the state to any level of billing activity, other than for quantities or volumes specifically released during the term. No action is to be taken except as specifically authorized, as described herein under AUTHORIZATION AND RELEASE.</p> <p>ENTIRE AGREEMENT - This NOTICE OF AWARD, with all attachments, and any release(s) against it shall be subject to: (1) the specifications, terms and conditions set forth in the Request/Bid Number cited herein, (2) the General Terms and Conditions of Contracts for the State of Rhode Island and (3) all provisions of, and the Rules and Regulations promulgated pursuant to, Title 37, Chapter 2 of the General Laws of the State of Rhode Island. This NOTICE shall constitute the entire agreement between the State of Rhode Island and the Vendor. No assignment of rights or responsibility will be permitted except with the express written permission of the State Purchasing Agent or his designee.</p> <p>CANCELLATION, TERMINATION and EXTENSION - This Price Agreement shall automatically terminate as of the date(s) described under CONTRACT PERIOD unless this Price Agreement is altered by formal amendment by the State Purchasing Agent or his designee upon mutual agreement between the State and the Vendor.</p> <p>STATEWIDE APPLICABILITY - Political Subdivisions (cities, towns, schools, quasi-public agencies), as authorized by law, may participate in this Agreement. All ordering and billing shall be between the vendor and the political subdivision (only).</p>		

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COPY

STATE PURCHASING AGENT/DESIGNEE



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107 SELDEN ST
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TRANSPORTATION-NATURAL GAS

Award Number Effective Period:
68M00255591 **11/1/02 - 10/31/03**

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ADMINISTRATION
MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

Date: 10/02/2002
Buyer: JEROME MOYNIHAN
Shipping: F.O.B., Destination
Terms: Net 30

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MASTER PRICE AGREEMENT
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Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-233	B01439
Item		Unit	Unit Price
	<p>THIS PURCHASE ORDER IS AWARDED SUBJECT TO EQUAL OPPORTUNITY COMPLIANCE.</p> <p>THIS IS A MULTI-YEAR BID/CONTRACT. PER RHODE ISLAND STATE LAW 37-2-33, CONTRACT OBLIGATIONS BEYOND FISCAL YEAR 2002 ARE SUBJECT TO AVAILABILITY OF FUNDS. CONTINUATION OF THE CONTRACT BEYOND THE INITIAL FISCAL YEAR WILL BE AT THE DISCRETION OF THE STATE. TERMINATION MAY BE EFFECTED BY THE STATE BASED UPON DETERMINING FACTORS SUCH AS UNSATISFACTORY PERFORMANCE OR THE DETERMINATION BY THE STATE TO DISCONTINUE THE GOODS/SERVICES, OR TO REVISE THE SCOPE AND NEED FOR THE TYPE OF GOODS/SERVICES; ALSO MANAGEMENT OWNER DETERMINATIONS THAT MAY PRECLUDE THE NEED FOR GOODS/SERVICES.</p> <p>TRANSPORTATION PRICE PER DEKATHERM FOR FIRM SERVICE (BASIS FOR FIRM SERVICE) NO COMMODITY COST INCLUDED</p> <p>\$1.95 CITYGATE DTH</p> <p>TRANSPORTATION PRICE PER DEKATHERM FOR INTERRUPTIBLE SERVICE (RI COLLEGE & WARWICK PILGRIM SCHOOL) (BASIS FOR INTERRUPTIBLE SERVICE) NO COMMODITY COST INCLUDED</p> <p>\$.948 CITYGATE DTH</p>		

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Notice of Price Agreement Award

Page 3 of 3
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Award Number Effective Period:
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ADMINISTRATION
MASTER PRICE AGREEMENT
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Date: 10/02/2002
Buyer: JEROME MOYNIHAN
Shipping: F.O.B., Destination
Terms: Net 30

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ADMINISTRATION
MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-233	B01439
Item		Unit	Unit Price
	ALTERNATIVE FIRM AND INTERRUPTIBLE COMBINED COMMODITY PRICE PER DEKATHERM \$1.68 CITYGATE DTH PRICES LISTED ARE A "NOT TO EXCEED BASIS" DELIVERY OF GOODS OR SERVICES AS REQUESTED BY AGENCY. VENDOR TELEPHONE #: 800-789-2213 EXT. 379 VENDOR FAX #: 203-248-8919		

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COPY

STATE PURCHASING AGENT/DESIGNEE

TERMS AND CONDITIONS OF PRICING AGREEMENT

SCOPE AND LIMITATIONS - This Agreement covers requirements as described herein, ordered by State agencies during the Agreement Period. No additional or alternative requirements are covered, unless added to the Agreement by formal amendment by the State Purchasing Agent or his designee.

Under State Purchasing Law, 37-2-54, "no purchase or contract shall be binding on the state or any agency thereof unless approved by the department [of administration] or made under general regulations which the chief purchasing officer may prescribe." Under State Purchasing Regulation 8.2.1.1.2, "any alleged oral agreement or arrangements made by a bidder or contractor with any agency or an employee of the Office of Purchases may be disregarded and shall not be binding on the state."

PRODUCT ACCEPTANCE - All merchandise offered or otherwise provided shall be new, of prime manufacture, and of first quality unless otherwise specified by the State. The State reserves the right to reject all nonconforming goods, and to cause their return for credit or replacement, at the State's option.

- a) Failure by the state to discover latent defect(s) or concealed damage or non-conformance shall not foreclose the State's right to subsequently reject the goods in question.
- b) Formal or informal acceptance by the State of non-conforming goods shall not constitute a precedent for successive receipts or procurements.

Where the vendor fails to cure the defect promptly or replace the goods, the State reserves the right to cancel the Release, contract with a different vendor, and to invoice the original vendor for any differential in price over the original contract price.

ORDER AUTHORIZATION AND RELEASE AGAINST PRICING AGREEMENT

In no event shall the Vendor deliver goods or provide service until such time as a duly authorized release document is certified by the ordering Agency.

State Agencies shall request release as follows: All releases shall reference the Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein.

A Department Purchase Order (DPO) listing the items ordered shall be created by the agency. The agency may mail or fax a copy of the order to the Vendor. In some cases the agency may request delivery by telephone, but must provide the Vendor with a DPO Order Number reference for billing purposes. Vendors are encouraged to require written orders to assure payments are processed accurately and promptly.

DELIVERY – If this is an MPA, Vendor will obtain "ship to" information from each participating agency. This information will be contained in the DPO. APA delivery information will be contained in the Notice of Award.

PRICING - All pricing shall be as described herein, and is considered to be fixed and firm for the term of the Agreement, unless specifically noted to the contrary herein. All prices include prepaid freight. Freight, taxes, surcharges, or other additional charges will not be honored unless reflected herein.

INVOICING – All invoices shall reference the DPO Order Number(s), Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein. If this is an MPA, Vendor will obtain "bill to" information from each participating agency. This information will be contained in the DPO. APA billing information will be contained in the Notice of Award.

PAYMENT - Invoices for items not received, not priced according to contract or for work not yet performed will not be honored. No payment will be processed to any vendor for whom there is no IRS W-9 on file with the State Controller.